



**US Army Corps
of Engineers®**

SPECIAL PUBLIC NOTICE

Publication Date: October 5, 2001
Effective Date: November 19, 2001

**Notice of Publication of Decision Document and the
Effective Date for Implementing Replacement Permits
in Pima and Pinal Counties**

On October 8, 1999, in *Defenders of Wildlife v. Ballard*, No. CV-97-794-TUC-ACM a court order (as clarified on November 10, 1999) was entered by the United States District Court (Court) for the District of Arizona that enjoined the Corps of Engineers (Corps) from authorizing projects under nationwide permits ("NWP") 13, 14, or 26 within the range of the endangered cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) until the Court-ordered "regionally based, programmatic impact analysis" had been completed. On March 9, 2000, at the national level, the Corps announced that it was modifying six NWPs (NWPs 3, 7, 12, 14, 27, and 40) and issuing five new NWPs (NWPs 39, 41, 42, 43, and 44) to replace NWP 26, hereafter the 11 NWPs are collectively referred to as "replacement permits." Subsequently a Court-approved Settlement Agreement was executed on September 22, 2000 by the Center for Biological Diversity and Defenders of Wildlife (Plaintiffs) and the Corps (Defendants) concerning the implementation of the replacement permits in Pima and Pinal Counties.

In the Settlement Agreement the Corps agreed to solicit comments on the environmental decision documentation for the replacement permits and regional conditions for 45 days and then delay for 45 days, after finalizing a decision document, making the replacement permits effective within the geographic area of the injunction. The Corps hereby is announcing that the decision document implementing the replacement permits and regional conditions within the geographic area covered by the Settlement Agreement has been finalized. **The Corps' determination is to implement the replacement permits and regional conditions, as stated within the decision document, within the geographic area covered by the Settlement Agreement, primarily Pima and Pinal Counties, on the effective date shown above.**

The decision document is available for your review at www.spl.usace.army.mil/co/co5.html under the "Recent Public Notices" section. If you do not have Internet access, hard copies of the decision document will be sent to any party upon request. A request for a hard copy of the decision document should be mailed to:

U.S. Army Corps of Engineers
Attention: Regulatory Branch
3636 North Central Avenue, Suite 760,
Phoenix, Arizona 85012-1936

For additional information concerning legal matters of the Settlement Agreement contact Tiffany Welch, Esq. at (805) 585-2144. For all other matters contact Robert J. Dummer at (602) 640-5385x224. The District Engineer, Los Angeles District, Corps of Engineers issued this public notice.